

JENNIE LEE ANDERSON (SBN 203586)
jennie@andrusanderson.com

LELAND H. BELEW (SBN 293096)
leland.belew@andrusanderson.com

ANDRUS ANDERSON LLP
155 Montgomery Street, Suite 900
San Francisco, CA 94104
Phone: (415) 986-1400
Fax: (415) 986-1474

DOUGLAS P. DEHLER (admitted *pro hac vice*)
doug.dehler@wilaw.com

PAUL W. ZIMMER (admitted *pro hac vice*)
paul.zimmer@wilaw.com

O'NEIL, CANNON, HOLLMAN, DEJONG & LAING S.C.
111 East Wisconsin Avenue, Suite 1400
Milwaukee, WI 53202
Phone: (414) 276-5000
Fax: (414) 276-6581

Attorneys for Plaintiffs and the Proposed Classes

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONNA J. FORSYTH, SIDNEY L. STATON
III, ARUN VATTURI, DAN WEILAND,
SHAFIQ RAHMAN, ED KAPLAN, KAREN
BECKS, and ALBERT R. DEVERE for and on
behalf of themselves and other persons similarly
situated,

Plaintiffs,

vs.

HP INC. and HEWLETT PACKARD
ENTERPRISE COMPANY,

Defendants.

Case No. 5:16-cv-04775

CLASS ACTION

**DECLARATION OF DOUGLAS P.
DEHLER IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO STAY
THIS ACTION PENDING
RESOLUTION OF INDIVIDUAL
ARBITRATIONS**

Date: February 8, 2018
Time: 9 a.m.
Judge: Hon. Edward J. Davila
Dept.: Courtroom 4 (5th Floor)

FAC Filed: 12/19/2016

1 I, Douglas P. Dehler, declare as follows:

2 1. I am an attorney at the law firm of O’Neil, Cannon, Hollman, DeJong &
3 Laing S.C., counsel for Plaintiffs in the above-captioned action. I make this Declaration on the
4 basis of my personal knowledge and in conjunction with Plaintiffs’ Opposition to Defendants’
5 Motion to Stay this Action Pending Resolution of Individual Arbitrations, filed
6 contemporaneously herewith.

7 2. After February 2017, the parties began to engage in written discovery on
8 conditional certification issues, including Defendants’ overall policies, practices and procedures
9 regarding the 2012 workforce reduction/restructuring plan. In response to Plaintiffs’ written
10 discovery requests, Defendants provided documents relevant to conditional certification, which
11 the parties referred to in numerous meet and confer sessions as “WFR corporate policy
12 documents.” Defendants also provided discovery on the merits of the claims of the 34 Plaintiffs
13 who did not sign RAs, but refused to provide Plaintiffs with any discovery about the 15 Plaintiffs
14 who did sign RAs. In the interests of compromise, Plaintiffs expressed their willingness to accept
15 this distinction pending the outcome of the arbitration motions, and it did not cause any
16 significant confusion or undue burden in discovery.

17 3. The parties also engaged in extensive negotiations over the terms of a Rule
18 30(b)(6) Notice of Depositions seeking testimony from each Defendant on conditional
19 certification issues. Just before the Court’s September 20, 2017 Order was issued, counsel for the
20 parties were beginning to discuss specific dates for these depositions.

21 4. After the September 20, 2017 Order was filed, all meet and confer discussions
22 regarding discovery ceased.

23 5. Since the September 20, 2017 Order, three individuals have signed Consents to
24 Join since the September 20 Order, but they have not been filed because the Court ordered the
25 case administratively closed. Copies of those three Consents to Join are attached hereto.

26 6. As shown by the three Consents to Join attached hereto as Exhibits A, B, and C,
27 Defendants’ WFR terminations are ongoing, and the affected employees continue to maintain that
28 they are the result of the discriminatory employment actions alleged in this case.

7. Of the 49 Plaintiffs, there are at least 27 who are currently aged 60 or older.
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of January, 2018.

O'NEIL, CANNON, HOLLMAN,
DEJONG & LAING S.C.

By: /s/Douglas P. Dehler

DOUGLAS P. DEHLER *pro hac vice*
doug.dehler@wilaw.com

PAUL W. ZIMMER *pro hac vice*
paul.zimmer@wilaw.com

O'NEIL, CANNON, HOLLMAN,
DEJONG & LAING S.C.

111 East Wisconsin Avenue, Suite 1400
Milwaukee, WI 53202

Phone: (414) 276-5000

Fax: (414) 276-6581

Jennie Lee Anderson (SBN 203586)

jennie@andrusanderson.com

Leland H. Belew (SBN 293096)

leland.belew@andrusanderson.com

ANDRUS ANDERSON LLP

155 Montgomery Street, Suite 900

San Francisco, CA 94104

Phone: (415) 986-1400

Fax: (415) 986-1474

*Attorneys for Plaintiffs and the Proposed
Classes*

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

Date: January 5, 2018

By: /s/ Jennie Lee Anderson

Jennie Lee Anderson (SBN 203586)

jennie@andrusanderson.com

Leland H. Belew (SBN 293096)

leland.belew@andrusanderson.com

ANDRUS ANDERSON LLP

155 Montgomery Street, Suite 900

San Francisco, CA 94104

Phone: (415) 986-1400

Fax: (415) 986-1474

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONNA J. FORSYTH, SIDNEY L.
STATON III, ARUN VATTURI, DAN
WEILAND, SHAFIQ RAHMAN, ED
KAPLAN, KAREN BECKS, and ALBERT R.
DEVERE for and on behalf of themselves and
other persons similarly situated,

Plaintiffs,

vs.

HP INC. and HEWLETT PACKARD
ENTERPRISE COMPANY,

Defendants.

Case No.: 5:16-cv-04775-NC

**CONSENT TO JOIN COLLECTIVE
ACTION AND BECOME PARTY
PLAINTIFF**

UNDER 16(b) OF THE FAIR LABOR
STANDARDS ACT, 29 U.S.C. § 216(b),
FOR VIOLATIONS OF THE AGE
DISCRIMINATION IN EMPLOYMENT
ACT, 29 U.S.C. § 623(a)

I, Craig Jeff Belford, hereby consent to join, opt-in, and become a plaintiff in this collective action, which alleges that my former employer HP Inc. and Hewlett Packard Enterprise Company ("HP") violated the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623(a). When HP terminated my employment, I was at least 40 years old.

I hereby designate Andrus Anderson LLP and O'Neil, Cannon, Hollman, DeJong & Laing S.C. to represent me in this action. I specifically authorize the named plaintiff(s), including any additional named plaintiffs who may be added, along with counsel of record for the named plaintiff(s), to act as my agent in prosecuting this lawsuit on my behalf, and to make any and all decisions with respect to the conduct of this litigation regarding the ADEA claims alleged in this collective action. I also consent to join any amended, separate or subsequent action, including any matters asserted in any amended complaints filed in this action, to assert my claims against HP or any related entities or persons personally liable.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 10/20/17

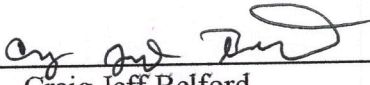
By: 
Craig Jeff Belford

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONNA J. FORSYTH, SIDNEY L.
STATON III, ARUN VATTURI, DAN
WEILAND, SHAFIQ RAHMAN, ED
KAPLAN, KAREN BECKS, and ALBERT R.
DEVERE for and on behalf of themselves and
other persons similarly situated,

Plaintiffs,

vs.

HP INC. and HEWLETT PACKARD
ENTERPRISE COMPANY,

Defendants.

Case No.: 5:16-cv-04775-NC

**CONSENT TO JOIN COLLECTIVE
ACTION AND BECOME PARTY
PLAINTIFF**

UNDER 16(b) OF THE FAIR LABOR
STANDARDS ACT, 29 U.S.C. § 216(b),
FOR VIOLATIONS OF THE AGE
DISCRIMINATION IN EMPLOYMENT
ACT, 29 U.S.C. § 623(a)

I, Harry Levine, hereby consent to join, opt-in, and become a plaintiff in this collective action, which alleges that my former employer HP Inc. and Hewlett Packard Enterprise Company ("HP") violated the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623(a). When HP terminated my employment, I was at least 40 years old.

I hereby designate Andrus Anderson LLP and O'Neil, Cannon, Hollman, DeJong & Laing S.C. to represent me in this action. I specifically authorize the named plaintiff(s), including any additional named plaintiffs who may be added, along with counsel of record for the named plaintiff(s), to act as my agent in prosecuting this lawsuit on my behalf, and to make any and all decisions with respect to the conduct of this litigation regarding the ADEA claims alleged in this collective action. I also consent to join any amended, separate or subsequent action, including any matters asserted in any amended complaints filed in this action, to assert my claims against HP or any related entities or persons personally liable.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 11-10-17

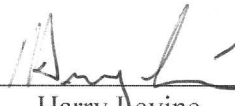
By: 
Harry Levine

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONNA J. FORSYTH, SIDNEY L.
STATON III, ARUN VATTURI, DAN
WEILAND, SHAFIQ RAHMAN, ED
KAPLAN, KAREN BECKS, and ALBERT R.
DEVERE for and on behalf of themselves and
other persons similarly situated,

Plaintiffs,

vs.

HP INC. and HEWLETT PACKARD
ENTERPRISE COMPANY,

Defendants.

Case No.: 5:16-cv-04775-NC

**CONSENT TO JOIN COLLECTIVE
ACTION AND BECOME PARTY
PLAINTIFF**

UNDER 16(b) OF THE FAIR LABOR
STANDARDS ACT, 29 U.S.C. § 216(b),
FOR VIOLATIONS OF THE AGE
DISCRIMINATION IN EMPLOYMENT
ACT, 29 U.S.C. § 623(a)

I, Rene Cantu, hereby consent to join, opt-in, and become a plaintiff in this collective action, which alleges that my former employer HP Inc. and Hewlett Packard Enterprise Company ("HP") violated the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623(a). When HP terminated my employment, I was at least 40 years old.

I hereby designate Andrus Anderson LLP and O'Neil, Cannon, Hollman, DeJong & Laing S.C. to represent me in this action. I specifically authorize the named plaintiff(s), including any additional named plaintiffs who may be added, along with counsel of record for the named plaintiff(s), to act as my agent in prosecuting this lawsuit on my behalf, and to make any and all decisions with respect to the conduct of this litigation regarding the ADEA claims alleged in this collective action. I also consent to join any amended, separate or subsequent action, including any matters asserted in any amended complaints filed in this action, to assert my claims against HP or any related entities or persons personally liable.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 12-8-2017

By: Rene E. Cantu

Rene Cantu